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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

SEP 29 2004
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WALTER A.Y.H. CHINN, CLERK

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 03-00579 HG
)
Plaintiff,)
)
vs.)
)
BETTY YI HERNANDEZ,)
a.k.a. "Suki,")
)
Defendant.)

)

THIRD SUPERSEDING INDICTMENT
[21 U.S.C. §§ 856(a)(2), 853;
18 U.S.C. §§ 1956, 982; 2]

THIRD SUPERSEDING INDICTMENT

COUNT 1

The Grand Jury charges that:

From a date unknown, but by at least November 3, 1999
to and including December 11, 2003, the Defendant, BETTY YI
HERNANDEZ, a.k.a. "Suki," managed and controlled any building,
room, and enclosure, either as an owner, leasee, agent, employee,
and mortgagee, and knowingly and intentionally rented, leased,

and made available for use, with or without compensation, the building, room, and enclosure for the purpose of unlawfully manufacturing, storing, distributing, and using controlled substances.

All in violation of Title 21, United States Code, Sections 856(a)(2) and 856(b).

COUNT 2

The Grand Jury further charges:

A. As a result of committing the offense alleged in Count 1 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds which Defendant BETTY YI HERNANDEZ obtained, directly or indirectly, as the result of such offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense, including but not limited to the following:

1. A sum of money equal to \$907,120.07 in United States currency, representing the amount of proceeds Defendant obtained as a result of the offense alleged in Count 1 of this Indictment;
2. All Inventory and Equipment Located at Swing Video, 1340 Kapiolani Boulevard, Suite 102, Honolulu, Hawaii 96814;
3. \$9,726.00 in United States currency seized on December 11, 2003 from the residence of Betty Hernandez located at 3075 Ala Poha, #1609, Honolulu, Hawaii 96818;
4. A white 1999 Dodge Durango bearing Hawaii license plate number JCF078 and vehicle identification number 1B4HR28Z3XF686868, and registered in the names of Tenny Y.

Hernandez and Lori M. Hernandez, seized on December 11, 2003;

5. A black 2000 Infiniti Nissan bearing Hawaii license plate number JDY797 and vehicle identification number JNKCA31A5YT116676, and registered in the name of Betty Yi Hernandez, seized on December 11, 2003;
6. \$453.85 in United States currency seized on December 11, 2003, from City Bank Account No. 236322420, held in the name of Betty Yi Hernandez;
7. \$2,862.16 in United States currency seized on December 11 2003, from First Hawaiian Bank Checking Account No. 65-194899, held in the name of Swing Video LLC;
8. \$19,933.02 in United States currency seized on December 11, 2003, from First Hawaiian Bank Checking Account No. 47-019753, held in the name of Swing Video;
9. \$10,576.28 in United States currency seized on December 11, 2003, from UH Federal Credit Union Account No. 37961, held in the name of Betty Yi Hernandez;
10. The fee simple interest in Apartment No. C-1204 of the Condominium Project known as "The Park at Pearlridge" located at 98-351 Koauka Loop, #C-1204, in Aiea, Honolulu, Hawaii, titled in the names of Tenny Y. Hernandez and Lori M.H. Hernandez, and designated as Tax Map Key No. (1) 9-8-012-079, together with all improvements, appurtenances, fixtures, attachments and easements;
11. The fee simple interest in the real property located at 3075 Ala Poha Place, #1609, Honolulu, Hawaii 96818, titled in the name of BETTY YI HERNANDEZ, and more specifically identified as Tax Map Key No. (1) 1-1-065-041 C.P.R. No. 0176, together with all improvements, appurtenances, fixtures, attachments and easements.
12. \$2,859.65 in United States currency seized on December 11, 2003, from Swing Video, located at 1340 Kapiolani Boulevard, Suite 102, Honolulu, Hawaii 96814.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Sections 853 and 856(a)(2).

COUNTS 3-48

PAYMENTS TO SOFOS REALTY AND/OR RIALD INVESTMENT

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, Defendant withdrew funds from her "Swing Video" checking account, number 47-019753, at First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of checks drawn on the account

payable to Sofos Realty and/or Riald Investment which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to promote the carrying on of the aforesaid specified unlawful activity, with each transaction representing a separate count of this Indictment:

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>	<u>Payee</u>
3	575	11/2/99	\$ 7,041.62	Sofos Realty
4	589	12/2/99	7,041.62	Sofos
5	599	12/26/99	7,041.62	Sofos Realty
6	613	1/29/00	7,041.62	Sofos Realty
7	623	2/25/00	7,041.62	Sofos Realty
8	639	3/27/00	7,041.62	Sofos Realty
9	651	4/27/00	11,328.25	Sofos
10	664	5/25/00	7,174.93	Sofos Realty
11	674	6/25/00	7,174.93	Sofos
12	688	7/26/00	7,174.93	Sofos Realty
13	707	8/27/00	7,174.93	Sofos Realty
14	722	9/27/00	7,174.93	Sofos Realty
15	757	10/22/00	7,174.93	Sofos Realty
16	772	11/27/00	7,174.93	Sofos Realty
17	791	12/27/00	7,174.93	Sofos Realty
18	746	1/23/01	7,174.93	Sofos Realty
19	818	2/26/01	7,408.62	Sofos
20	835	3/23/01	7,361.16	Sofos Realty
21	704	4/21/01	7,361.16	Sofos Realty
22	723	5/23/01	7,361.16	Sofos Realty
23	737	6/23/01	7,361.16	Sofos Realty
24	751	7/21/01	7,361.16	Sofos
25	766	8/25/01	7,361.16	Sofos Realty

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>	<u>Payee</u>
26	780	9/21/01	7,361.16	Sofos Realty
27	796	10/18/01	7,361.16	Sofos Realty
28	810	11/21/01	7,361.16	Sofos
29	821	12/21/01	7,361.16	Sofos
30	845	1/28/02	7,361.16	Sofos Property
31	856	2/26/02	8,000.00	Sofos Realty
32	864	3/22/02	7,280.23	Sofos
33	875	4/25/02	6,507.06	Sofos Relty
34	886	5/22/02	8,000.00	Riald Investment
35	899	6/22/02	6,633.47	Sofos Realty
36	911	7/19/02	7,547.72	Sofos Realty
37	923	8/29/02	7,547.72	Sofos Realty
38	934	9/21/02	7,547.72	Sofos Realty
39	943	10/24/02	7,547.72	Sofos Realty
40	953	11/22/02	7,547.72	Sofos Realty
41	956	12/21/02	7,559.85	Sofos Realty
42	971	1/22/03	7,559.85	Sofos Realty
43	982	2/21/03	7,559.85	Sofos Realty
44	993	3/22/03	8,145.66	Sofos Realty
45	1003	4/5/03	588.37	Sofos Realty
46	1010	4/25/03	6,676.01	Sofos Relty
47	1025	5/22/03	7,852.75	Sofo
48	1052	6/25/03	<u>7,852.75</u>	Sofo

TOTAL: \$334,488.17

All in violation of Title 18, United States Code,
Section 1956(a)(1)(A)(i).

COUNT 49

The Grand Jury further charges that:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) alleged in Counts 3-48 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offenses,

and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$334,488.17 in United States currency, representing the amount of proceeds Defendant obtained as a result of the offenses listed in Counts 3-48.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(A)(i) and Title 21, United States Code, Section 856(a)(2).

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COUNTS 50-96

PAYMENTS TO COUNTRYWIDE MORTGAGE, INC.

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, Defendant withdrew funds from her "Swing Video" checking account, number 47-019753, at First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of checks drawn on the account payable to Countrywide Mortgage, Inc. which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled

substances, with each transaction representing a separate count of this Indictment:

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>
50	570	11/10/99	\$ 1,685.53
51	581	11/22/99	1,605.27
52	594	12/21/99	1,700.00
53	609	1/27/00	1,700.00
54	624	2/27/00	1,685.53
55	638	3/27/00	1,605.53
56	653	4/27/00	1,605.27
57	665	5/31/00	1,605.27
58	675	6/25/00	1,605.27
59	685	7/26/00	1,605.27
60	705	8/27/00	1,605.27
61	716	9/27/00	1,605.27
62	732	10/27/00	1,685.53
63	762	11/27/00	1,605.27
64	787	12/27/00	1,685.53
65	740	1/19/01	1,605.53
66	748	1/27/01	1,605.27
67	829	3/7/01	1,605.27
68	843	4/27/01	1,685.53
69	717	5/14/01	2,029.25
70	732	6/1/01	2,029.25
71	759	8/7/01	2,029.25
72	764	8/23/01	2,029.25
73	769	9/4/01	2,029.25
74	785	9/26/01	1,876.45
75	793	10/13/01	1,876.45
76	799	10/30/01	1,876.45
77	812	11/22/01	1,876.45
78	819	12/14/01	1,876.45
79	831	1/17/02	1,876.45
80	896	6/19/02	1,729.43
81	897	6/19/02	1,729.43
82	906	7/2/02	1,815.90
83	915	7/26/02	1,729.43
84	918	8/6/02	1,729.43
85	922	8/21/02	1,729.43
86	966	1/11/03	3,371.40
87	974	1/23/03	4,816.29
88	979	2/7/03	3,210.86
89	981	2/21/03	5,000.00
90	986	3/6/03	5,000.00

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>
91	991	3/25/03	1,512.45
92	1004	4/10/03	1,512.45
93	1011	4/25/03	1,512.45
94	1019	5/7/03	1,512.45
95	1033	5/31/03	1,512.45
96	1044	6/15/03	1,512.45

TOTAL: \$93,432.66

All in violation of Title 18, United States Code,
Section 1956(a)(1)(B)(i).

COUNT 97

The Grand Jury further charges:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) alleged in Counts 50-96 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offenses, and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$93,432.66 in United States currency, representing the amount of proceeds Defendant obtained as a result of the offenses listed in Counts 50-96; and
2. The fee simple interest in the real property located at 3075 Ala Poha Place, #1609, Honolulu, Hawaii 96818, titled in the name of BETTY YI HERNANDEZ, and more specifically identified as Tax Map Key No. (1) 1-1-065-041 C.P.R. No. 0176, together with all improvements, appurtenances, fixtures, attachments and easements.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

COUNTS 98-106

PAYMENTS TO FIDELITY NATIONAL ESCROW CORPORATION

COUNT 98

The Grand Jury further charges:

On or about January 7, 2001, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, Defendant withdrew funds from her

"Swing Video" checking account, number 47-019753, at First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of a check payable to Fidelity National in the amount of \$5,000.00, drawn on the account of Swing Video which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNTS 99-100

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to

conduct, and cause another to conduct and attempt to conduct, a financial transaction affecting interstate commerce, to wit, to withdraw funds from the Kuku's Fishing, Inc. checking account, number 80682344, at Bank of Hawaii (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of checks drawn on the account, payable to Fidelity National Escrow which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while causing another to conduct and attempt to conduct such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances, with each transaction representing a separate count of this Indictment:

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>	<u>Payee</u>
99	371	01/23/01	\$5,000.00	Fidelity National Escrow
100	372	01/23/01	\$5,000.00	Fidelity National Escrow

All in violation of Title 18, United States Code,
Sections 1956(a)(1)(B)(i) and 2.

COUNT 101

The Grand Jury further charges:

On or about April 9, 2001, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, Defendant purchased Cashier's Check #20319308 from Bank of Hawaii (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), in the amount of \$15,000.00 which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code,
Section 1956(a)(1)(B)(i).

COUNTS 102-103

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct, and cause another to conduct and attempt to conduct, a financial transaction affecting interstate commerce, to wit, to purchase Cashier's Checks from City Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), as set forth in tabular form below which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while causing another to conduct and attempt to conduct such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video

for distribution of controlled substances, with each transaction representing a separate count of this Indictment:

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>	<u>Payee</u>
102	1008811	04/06/01	\$60,000.00	Fidelity National Title Escrow
103	221618	04/09/01	\$5,000.00	Fidelity National Title Escrow

All in violation of Title 18, United States Code,
Sections 1956(a)(1)(B)(i) and 2.

COUNT 104

The Grand Jury further charges:

On or about April 9, 2001, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, Defendant withdrew funds from her checking account, number 236322420, at City Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of a City Bank Cashier's Check #220948, payable to Fidelity National Title Escrow in the amount of \$12,000.00, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while

conducting and attempting to conduct such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code, Section 1956(a) (1) (B) (i).

COUNT 105

The Grand Jury further charges:

On or about April 9, 2001, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, Defendant withdrew funds from her checking account, number 37961, at University of Hawaii Federal Credit Union (said bank was engaged in interstate commerce and insured by the National Credit Union Administration), by way of a University of Hawaii Federal Credit Union check #130988, payable to Fidelity National Title & Escrow in the amount of \$10,000.00, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the

distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNT 106

The Grand Jury further charges:

On or about April 9, 2001, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, Defendant purchased Official Bank Check #02414655 from First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), payable to Fidelity National Title and Escrow in the amount of \$10,048.35, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled

substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNT 107

The Grand Jury further charges that:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) alleged in Counts 98-106 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offenses, and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$127,048.35 in United States currency, representing the amount of proceeds Defendant obtained as a result of the offenses listed in Counts 98-106.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

COUNTS 108-117

DEPOSITS TO TENNY CORPORATION, dba NORTH KING SHELL

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, Defendant caused funds to be deposited into accounts

#48-061737, the checking account of Tenny Corporation, dba North King Shell, at First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transactions, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances, with each transaction representing a separate count of this Indictment:

<u>Count</u>	<u>Form of Deposit</u>	<u>Date of Transaction</u>	<u>Amount</u>	<u>Payee</u>
108	cash	03/27/01	\$ 9,000.00	Tenny Corporation
109	Swing Video LLC check #1007	03/27/01	10,000.00	N. King Shell
110	American Savings Bank check #2231	04/09/01	8,000.00	N. King Shell

<u>Count</u>	<u>Form of Deposit</u>	<u>Date of Transaction</u>	<u>Amount</u>	<u>Payee</u>
111	American Savings Bank Cashier's Check #400073605	04/10/01	10,000.00	North King Shell
112	Swing Video check #853	04/10/01	20,000.00	North King Shell Station
113	Swing Video check #000	05/03/01	12,000.00	North King Shell
114	Swing Video LLC check #1016	04/01/02	5,000.00	N. King Shell
115	Swing Video check #999	04/01/03	10,000.00	N. King Shell
116	Swing Video check #1048	06/24/03	30,000.00	N. King Shell
117	Swing Video check #1081	08/07/03	<u>2,000.00</u>	N. King Shell
				TOTAL: \$116,000.00

All in violation of Title 18, United States Code,
Section 1956(a)(1)(B)(i).

COUNT 118

The Grand Jury further charges that:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) alleged in Counts 108-117 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offenses,

and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$116,000.00 in United States currency, representing the amount of proceeds Defendant obtained as a result of the offenses listed in Counts 108-117.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

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COUNTS 119-122

PAYMENTS TO SHELL CORPORATION

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, to purchase an Official Bank Check at First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), payable to Shell Corporation, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances, with each transaction representing a separate count of this Indictment:

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>	<u>Payee</u>
119	First Hawaiian Bank Official Bank Check #0539226-9	09/18/03	\$17,400.00	Shell Corporation
120	First Hawaiian Bank Official Bank Check #0532437-3	09/29/03	17,400.00	Shell Corporation
121	First Hawaiian Bank Official Bank Check #0532476-9	10/02/03	17,400.00	Shell Corporation
122	First Hawaiian Bank Official Bank Check #0532496-7	10/06/03	<u>17,400.00</u>	Shell Corporation
TOTAL: \$69,600.00				

All in violation of Title 18, United States Code,
Section 1956(a)(1)(B)(i).

COUNT 123

The Grand Jury further charges that:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) alleged in Counts 119-122 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offenses, and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$69,600.00 in United States currency, representing the amount of proceeds Defendant obtained as a result of the offenses listed in Counts 119-122.
- B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -
 1. cannot be located upon the exercise of due diligence;
 2. has been transferred or sold to, or deposited with, a third person;
 3. has been placed beyond the jurisdiction of the court;
 4. has been substantially diminished in value; or
 5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

COUNTS 124-157

PAYMENTS TO FIRST NATIONWIDE MORTGAGE CORPORATION

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to

conduct a financial transaction affecting interstate commerce, to wit, Defendant withdrew funds from her "Swing Video" checking account, number 47-019753, at First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of checks drawn on the account payable to First Nationwide Mortgage which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances, with each transaction representing a separate count of this Indictment:

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>
124	569	11/02/99	\$ 1,004.44
125	583	11/22/99	1,004.44
126	600	12/26/99	1,004.44
127	612		1,069.14
128	625	02/28/00	1,069.14
129	637	03/27/00	1,069.14
130	663		1,069.14
131	677	06/25/00	1,107.89

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>
132	648	04/23/00	1,100.00
133	690	07/26/00	1,184.47
134	706	08/27/00	1,184.47
135	727	09/27/00	1,184.47
136	758	10/24/00	1,184.47
137	773	11/28/00	1,184.47
138	792	12/28/00	1,184.47
139	750	01/27/01	1,140.68
140	817	02/22/01	1,140.68
141	832	03/20/01	1,140.68
142	703	04/21/01	1,140.68
143	718		1,140.68
144	734	06/13/01	1,140.68
145	760	08/07/01	1,056.74
146	763	08/12/01	1,056.74
147	783	09/26/01	1,056.74
148	795	10/19/01	1,056.74
149	808	11/15/01	1,056.74
150	820	12/14/01	1,056.74
151	832	01/19/02	976.79
152	850	02/14/02	976.79
153	860	03/19/02	976.79
154	872	04/19/02	976.79
155	884	05/17/02	976.79
156	893	06/15/02	976.79
157	909	07/16/02	<u>901.04</u>

TOTAL: \$36,550.89

All in violation of Title 18, United States Code,
Sections 1956(a)(1)(B)(i) and 2.

COUNT 158

The Grand Jury further charges that:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) alleged in Counts 124-157 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States,

pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offenses, and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$36,550.89 in United States currency, representing the amount of proceeds Defendant obtained as a result of the offenses listed in Counts 124-157.
- B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --
 1. cannot be located upon the exercise of due diligence;
 2. has been transferred or sold to, or deposited with, a third person;
 3. has been placed beyond the jurisdiction of the court;
 4. has been substantially diminished in value; or
 5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

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COUNTS 159-164

PAYMENTS TO FIRST HAWAIIAN TITLE CORPORATION

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct, and cause another to conduct and attempt to conduct, a financial transaction affecting interstate commerce, to wit, the purchase of cashier's checks from financial institutions engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation and the National Credit Union Administration, payable to First Hawaii Title Corporation, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct, and causing another to conduct and attempt to conduct such a transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled

substances, with each transaction representing a separate count of this Indictment:

<u>Count</u>	<u>Cashier's Check</u>	<u>Date of Check</u>	<u>Amount of Check</u>
159	Hawaii State Federal Credit Union Check #542378	10/15/02	\$ 5,000.00
160	Bank of Hawaii Check #20498580	10/23/02	5,000.00
161	Bank of Hawaii Check #20580099	10/15/02	5,000.00
162	First Hawaiian Check #04424022	10/18/02	5,000.00
163	Bank of Hawaii Check #20580196	10/23/02	5,000.00
164	American Savings Bank Check #2049850	10/23/02	<u>5,000.00</u>

TOTAL: \$30,000.00

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT 165

The Grand Jury further charges:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) alleged in Counts 159-164 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offenses,

and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$30,000.00 in United States currency, representing the amount of proceeds Defendant obtained as a result of the offenses listed in Counts 159-164.
- B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -
 1. cannot be located upon the exercise of due diligence;
 2. has been transferred or sold to, or deposited with, a third person;
 3. has been placed beyond the jurisdiction of the court;
 4. has been substantially diminished in value; or
 5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

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COUNTS 166-170

DEPOSITS WITH HONOLULU DISTRICT COURT

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct, and cause another to conduct and attempt to conduct, a financial transaction affecting interstate commerce, to wit, the purchase of a cashier's check from a bank engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation, payable to Honolulu District Court, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct, and causing others to conduct and attempting to conduct, such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled

substances, with each transaction representing a separate count of this Indictment:

<u>Count</u>	<u>Cashier's Check</u>	<u>Date of Check</u>	<u>Amount of Check</u>
166	First Hawaiian Bank #0558846-9	11/06/03	\$12,000.00
167	City Bank #232197	11/06/03	8,000.00
168	Bank of Hawaii #400794	11/06/03	5,000.00
169	Bank of Hawaii #1701607	11/06/03	5,000.00
170	American Savings Bank #400767383	11/06/03	<u>20,000.00</u>
			TOTAL: \$50,000.00

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT 171

The Grand Jury further charges:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) alleged in Counts 166-170 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offenses, and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$50,000.00 in United States currency, representing the amount of proceeds Defendant obtained as a result of the offenses listed in Count 166-170.
- B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -
 1. cannot be located upon the exercise of due diligence;
 2. has been transferred or sold to, or deposited with, a third person;
 3. has been placed beyond the jurisdiction of the court;
 4. has been substantially diminished in value; or
 5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

COUNTS 172-175

PAYMENTS TO T.H.

COUNT 172

The Grand Jury further charges:

On or about May 13, 2003, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI" did knowingly

conduct and attempt to conduct, and cause another to conduct and attempt to conduct, a financial transaction affecting interstate commerce, to wit, to withdraw funds from the KOAM Broadcasting Inc., d.b.a. Hawaii Radio Korea, checking account #0001-105043 with Bank of Hawaii (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of check #1749, payable to "T.H." in the amount of \$20,000.00, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct, and causing another to conduct and attempt to conduct, such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code,
Sections 1956(a)(1)(B)(i) and 2.

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COUNT 173

The Grand Jury further charges that:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) alleged in Count 172 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offenses, and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$20,000.00 in United States currency, representing the amount of proceeds Defendant obtained as a result of the offenses listed in Count 172.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any

other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

COUNT 174

The Grand Jury further charges:

On or about February 27, 2003, in the District of Hawaii, the Defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI" did knowingly conduct and attempt to conduct, and cause another to conduct and attempt to conduct, a financial transaction affecting interstate commerce, to wit, to withdraw funds from checking account #0081-189811 at Bank of Hawaii (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), via check #1214 payable to "T.H." in the amount of \$30,000.00, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct and causing another to conduct and attempt to conduct such transaction, the Defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to

conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT 175

The Grand Jury further charges:

A. As a result of committing the offense in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) alleged in Count 174 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offenses, and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$30,000.00 in United States currency, representing the amount of proceeds Defendant obtained as a result of the offense listed in Count 174.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -

1. cannot be located upon the exercise of due diligence;

2. has been transferred or sold to, or deposited with, a third person;

3. has been placed beyond the jurisdiction of the court;

4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) (2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

SEP 29 2004

DATED: SEP 15 2004 , at Honolulu, Hawaii.

A TRUE BILL



 FOREPERSON, Grand Jury

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

Florence T. Nakakuni

FLORENCE T. NAKAKUNI
Chief, Narcotics Section

Loretta Sheehan

LORETTA SHEEHAN
Assistant U.S. Attorney